



Entered on Docket  
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (520) 629-4427  
Facsimile (520) 879-4705  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
LIQUIDATING TRUST TO DUPLICATE  
PROOFS OF CLAIM**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM  
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No.  
3 6730] (the “Objection”); the Court having heard the matter on February 20, 2009;  
4 appropriate notice of the Objection having been given; no response to the Objection  
5 having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their  
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by  
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)  
16 Rob Charles  
John Hinderaker (*pro hac vice*)  
17 3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
18 Telephone: (520) 629-4427  
Facsimile: (520) 879-4705

19  
20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22  
23 By: \_\_\_\_\_  
August Landis  
24 Assistant United States Trustee

25  
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

## EXHIBIT A

**USA – DUPLICATE CLAIMS TABLE (2)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Lawrence Rausch 10708 Brinkwood Avenue Las Vegas, NV 89134	10725-00620	\$91,467.00	The claim is based on investment in Amesbury/Hatters Point and is a duplicate of Claim #10725-02477. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00620 be disallowed in its entirety.	10725-02477	\$92,887.00
Lawrence Rausch 10708 Brinkwood Avenue Las Vegas, NV 89134	10725-00621	\$44,812.00	The claim is based on investment in HFA-Clear Lake 2nd and is a duplicate of Claim #10725-02478. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00621 be disallowed in its entirety.	10725-02478	\$44,922.00
Lawrence Rausch 10708 Brinkwood Avenue Las Vegas, NV 89134	10725-00622	\$50,599.83	This claim is based on investment in Marlton Square 2 <sup>nd</sup> and is a duplicate of Claim #10725-02476. The USACM Liquidating Trust requests claim #10725-00622 be disallowed in its entirety.	10725-02476	\$49,936.00
Donnolo Family Trust Dtd 8/24/88 3120 Highland Falls Drive Las Vegas, NV 89134	10725-00629	\$100,000.00	The claim is a duplicate of Claim #10725-02457. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00629 be disallowed in its entirety.	10725-02457	\$100,000.00

**USA – DUPLICATE CLAIMS TABLE (2)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Desert Commercial Sweeping Inc Christopher D Jaime Esq Maupin Cox & LeGoy P.O. Box 30000 Reno, NV 89520	10725-00518 10725-00661	\$70,000.00 \$70,000.00	These claims are exact duplicates and are amended by Claim #10725-02024. The USACM Liquidating Trust requests claim #10725-00518 and 10725-00661 be disallowed in their entirety.	10725-02024	\$70,000.00
Nakashima, Vicky 1681 Fairburn Avenue Los Angeles, CA 90024	10725-00693	\$155,000.00	The claim is based on investment in Meadow Creek Partners LLC and is a duplicate of Claim #10725-01018. The USACM Liquidating Trust requests claim #10725-00693 be disallowed in its entirety.	10725-01018	\$155,000.00
Bonnema, Gary P.O. Box 8649 Horseshoe Bay, TX 78657	10725-00694	\$50,516.67	The claim is based on investment in Gramercy Court Condos and is a duplicate of Claim #10725-01474. The USACM Liquidating Trust requests claim #10725-00694 be disallowed in its entirety.	10725-01474	\$50,516.67
D&P Curtis Trust Dated 7/27/01 Patricia M & Dan L Curtis Ttees 404 Club Ct Las Vegas, NV 89144-0838	10725-00720	\$100,000.00	The claim is based on investment in Meadow Creek Partner, LLC and Elizabeth May Real Estate and is a duplicate of Claim #10725-00765. The USACM Liquidating Trust requests claim #10725-00720 be disallowed in its entirety.	10725-00765	\$100,000.00

**USA – DUPLICATE CLAIMS TABLE (2)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Kevin Higgins 10413 Mansion Hills Ave Las Vegas, NV 89144	10725-00745	\$100,000.00	The claim is based on investment in Oak Shores II. This claim is a duplicate of Claim #10725-00757. The USACM Liquidating Trust requests claim #10725-00745 be disallowed in its entirety.	10725-00757	\$100,000.00
William M Spangler 711 Gordon Ave Reno, NV 89509	10725-00785	\$14,000.00	The claim is based on investment in BarUSA, LLC and is a duplicate of Claim #10725-01370. The USACM Liquidating Trust requests claim #10725-00785 be disallowed in its entirety.	10725-01370	\$14,000.00